

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

AKIVA A. ISRAEL,

Plaintiff,

v.

ROBERT NEGRETE,

Defendant.

No. 2:22-cv-1391 TLN CSK P

ORDER AND REVISED SCHEDULING  
ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis. Plaintiff's unopposed motion to modify the Court's scheduling order is before the Court. (ECF No. 39.) As discussed below, plaintiff's motion is granted.

I. BACKGROUND

This action proceeds on plaintiff's complaint against defendant Negrete for retaliation in violation of the First Amendment, equal protection in violation of the Fourteenth Amendment, and deliberate indifference to plaintiff's serious medical needs in violation of the Eighth Amendment. (ECF No. 1.)

On March 31, 2025, the Court issued the discovery and scheduling order setting the discovery deadline for July 31, 2025, and the pretrial motions deadline for October 23, 2025. (ECF No. 34.)

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1 Plaintiff's first motion to extend the discovery deadline was filed on June 20, 2025. (ECF  
2 No. 39.) The parties have been engaged in discovery, but myriad issues have interfered with  
3 plaintiff's ability to complete discovery responses and plaintiff had not yet received defendant's  
4 responses to plaintiff's discovery requests. (ECF No. 39 at 1.) Plaintiff suffers from an  
5 unidentified psychiatric illness, and side effects from psychiatric medication. (Id.) Plaintiff was  
6 transferred to a different prison, and plaintiff's legal materials were indiscriminately packed into  
7 25 boxes. (Id. at 2.) Once plaintiff arrived at RJ Donovan, plaintiff was denied sufficient time to  
8 review the legal materials. Despite plaintiff's multiple requests, prison officials refused plaintiff  
9 access to the legal materials. (Id.) Plaintiff avers that the warden only recently made plaintiff's  
10 stored legal materials available, and plaintiff is now organizing some 20,000 pages of legal  
11 materials. Given such difficulties, plaintiff requests that the discovery deadline be extended for  
12 ninety days.

13 On July 3, 2025, defendant filed a statement of non-opposition, reserving all prior written  
14 objections, and acknowledging plaintiff's unique circumstances due to plaintiff's custodial  
15 transfer, medical conditions and pro se status. (ECF No. 40 at 1.)

## 16 II. GOVERNING STANDARDS

17 "The district court is given broad discretion in supervising the pretrial phase of litigation."  
18 Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992) (citation and internal  
19 quotation marks omitted). Rule 16(b) provides that "[a] schedule may be modified only for good  
20 cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). "The schedule may be modified  
21 'if it cannot reasonably be met despite the diligence of the party seeking the extension.'"  
22 Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting  
23 Johnson, 975 F.2d at 607).

## 24 III. DISCUSSION

25 Plaintiff timely moved to extend the discovery deadline, and has demonstrated good cause  
26 to extend the discovery deadline, which defendant does not oppose. Plaintiff is cautioned,  
27 however, that the Court is not inclined to further extend the discovery deadline in this action.  
28 Plaintiff's motion was filed on June 20, 2025. Therefore, the discovery deadline is extended to

1 September 18, 2025. In light of this extension, the pretrial motions deadline is extended, sua  
2 sponte, to November 17, 2025.

3 IV. CONCLUSION

4 Accordingly, IT IS HEREBY ORDERED that plaintiff's first motion to extend discovery  
5 (ECF No. 39) is granted. The discovery deadline is extended to September 18, 2025. The parties  
6 are advised that the Court is not inclined to further extend the discovery deadline in this action.  
7 The pretrial motions deadline is extended to November 17, 2025. In all other respects, the March  
8 31, 2025 discovery and scheduling order (ECF No. 34) remains in effect.

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10 Dated: July 9, 2025

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12 CHI SOO KIM  
13 UNITED STATES MAGISTRATE JUDGE

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